



Reprinted  
March 25, 2005

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**ENGROSSED**  
**SENATE BILL No. 417**

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DIGEST OF SB 417 (Updated March 24, 2005 2:31 pm - DI 107)

**Citations Affected:** Noncode.

**Synopsis:** Appraisal and survey of DOC controlled real estate. Requires the department of administration to: (1) hire a land surveyor or use a staff member who is a registered land surveyor to survey; and (2) hire a real estate appraiser to appraise; certain real property in LaPorte County and Putnam County that is owned by the state and under the control of the department of correction (DOC). Requires reports to be filed with the legislative council concerning the survey and appraisal of the DOC controlled property that could be sold. Allows the DOC to refuse to sell certain property.

**Effective:** Upon passage.

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**Lawson C, Bray**  
(HOUSE SPONSORS — THOMAS, TINCHER)

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January 13, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 27, 2005, amended, reported favorably — Do Pass.

February 1, 2005, read second time, amended, ordered engrossed.

February 2, 2005, engrossed.

February 7, 2005, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Government and Regulatory Reform.

March 21, 2005, reported — Do Pass.

March 24, 2005, read second time, amended, ordered engrossed.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 417

A BILL FOR AN ACT concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2 SECTION, "real estate" refers to certain real property owned by  
3 the state, more particularly described as follows:

4 (1) all residential housing and all undeveloped land located at  
5 the Westville Correctional Facility in LaPorte County,  
6 Indiana, except for facilities that are used to house inmates;  
7 and

8 (2) all residential housing and all undeveloped land located at  
9 the Putnamville Correctional Facility in Putnam County,  
10 Indiana, except for facilities that are used to house inmates.

11 (b) The commissioner of the Indiana department of  
12 administration shall:

13 (1) hire a land surveyor or use the services of a staff member  
14 registered under IC 25-21.5 to determine how real estate  
15 could be divided in order for real estate to be sold; and

16 (2) hire a real estate appraiser to determine the value of real  
17 estate that could be sold.

18 (c) The land surveyor or staff member described in subsection

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- (b) shall:**
    - (1) perform a survey and determine how real estate could be divided to be sold; and**
    - (2) submit a report to the legislative council, in an electronic format under IC 5-14-6, by August 1, 2005, that contains at least the following:**
      - (A) A description of all real estate at Putnamville Correctional Facility and Westville Correctional Facility.**
      - (B) The results of the survey, including how:**
        - (i) undeveloped real estate could be divided into individual plots to be sold; and**
        - (ii) land surrounding individual residences could be divided to be sold.**
  - (d) The real estate appraiser described in subsection (b) shall:**
    - (1) appraise all real estate based on the survey described in subsection (c)(2)(B); and**
    - (2) submit a report to the legislative council, in an electronic format under IC 5-14-6, by November 1, 2005, that contains at least the following:**
      - (A) A description of all real estate at Putnamville Correctional Facility and Westville Correctional Facility that could be sold on the real estate market and what the appraisal of each piece of real estate is.**
      - (B) The appraiser's opinion concerning potential problems with selling the real estate, including any potential issues with zoning.**
  - (e) The Commissioner of the Department of Correction is authorized to refuse to sell any property that is located within one thousand (1000) feet from the facility's secured perimeter. Any land sold is subject to existing utility easements.**
  - (f) This SECTION expires December 31, 2005.**
- SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 417, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, after "member" insert "**registered under IC 25-21.5**".

and when so amended that said bill do pass.

(Reference is to SB 417 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 417 be amended to read as follows:

Page 2, after line 26, begin a new paragraph and insert:

**"(e) The Commissioner of the Department of Correction is authorized to refuse to sell any property that is located within one thousand (1000) feet from the facility's secured perimeter. No land can be sold which would interfere with any existing utility easements to the facilities."**

Page 2, line 27, delete "(e)" and insert "(f)".

(Reference is to SB 417 as printed January 28, 2005.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 417, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BUCK, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 417 be amended to read as follows:

Page 2, line 29, delete "No land" and insert "**Any land sold is subject to existing utility easements.**".

Page 2, delete lines 30 through 31.

(Reference is to ESB 417 as printed March 22, 2005.)

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